

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
March 19, 2007**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:30 PM followed by the salute to the Flag.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

The following statement was read into the record by Mayor Zimmerman: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings notice advertised in the December 16, 2006, edition of the Somerset Messenger Gazette and transmitted to the Courier News and Somerset Spectator. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

MAYOR'S COMMENTS

Mayor Zimmerman advised of a recent call received from a resident of Lemoore Circle who found a metal-tip arrow in her backyard. The Mayor provided a public announcement that hunting is not permitted in the Borough. Request to silence all phones, pagers, electronic devices was made.

ROLL CALL

Mr. Jim Banks-present, Mr. Dan Harrington-present, Ms. Courtney White-present, Mr. Jared Witt-present.

Absent: Mr. Brian Griner, Mr. William Hallman

Also present: Deputy Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Borough Auditor Robert Morrison.

APPROVAL OF MINUTES

Regular Minutes – March 5, 2007 – Motion was made by Harrington with a second by Witt to approve the minutes as presented. Motion carried on roll call vote – all ayes.

Special Meeting – Budget Workshop Minutes – March 15, 2007 – Motion was made by Witt with a second by White to approve the minutes with correction of minor typographical errors. Motion carried on roll call vote – all ayes.

REQUEST OF COUNCIL FOR NEW OR OLD BUSINESS (NOT ON AGENDA)

None at this time.

PUBLIC COMMENTS

Peggy Merritt, resident of 158 Washington St., expressed appreciation for the removal of the debris on Washington St. and the prompt response to a situation that occurred recently in the neighborhood.

APPROVAL OF VOUCHERS TO BE PAID

Motion was made by Harrington with a second by Banks for the approval of the bill list as presented. Motion carried on roll call vote – all ayes. (Appendix 1).

(The agenda order of business was changed at the direction of the Mayor.)

UNFINISHED BUSINESS

Appointment of Constable – Hiring Process – Mayor Zimmerman thanked the members of the subcommittee (Councilmembers Witt, Hallman, Banks) for carrying out the hiring process for the Borough Constable position. Based on the recommendation made by the subcommittee, Mayor Zimmerman presented the appointment of Albert Chini to the Borough Constable position. Motion to accept the Mayor's appointment was made by Witt with a second by Banks. Motion carried on roll call vote – all ayes. Oath of office was administered to Mr. Chini by the Borough Clerk. The appropriate payroll information will be provided to Mr. Chini by the Deputy Clerk.

(The original agenda order of business resumed at the direction of the Mayor.)

DEPARTMENTAL REPORTS

Motion was made by Witt with a second by Banks to accept the following reports as submitted:

- Tax Collector's Report – February 2007
 - Tax Collector's Annual Report – 2006
 - Court Administrator's Report – February 2007
- Motion carried on roll call vote – all ayes.

COMMITTEE REPORTS

Administration & Records – Constable hiring process (previously discussed);

Buildings & Grounds – Councilman Harrington advised that network cables have been run for the State to tie into the Court's computer equipment. Network cables were also provided for the Borough Clerk's Office. A wireless router has been donated to the Borough by Mayor Zimmerman.

Finance & Insurance – No report at this time;

Public Safety & Emergency Services – Mayor Zimmerman advised that he attended a meeting along with Councilman Hallman and representatives of the New Jersey State Police. The NJSP has advised that the Hamilton Barracks of NJSP will be responsible for covering the Borough effective March 17, 2007.

Streets & Roads – Councilwoman White reported on call received from Cliff Moore of Skillman St. regarding the request for the Borough to maintain that road; problem reported by Brad and Peggy Merritt of Washington St. regarding the snow plowing of the 153 Restaurant was resolved. The establishment was requested to speak to their snow plowing contractor about future removal of snow and the placement of same. The proposed tennis camp flyer was distributed; discussion continued to the next meeting. Information was received regarding a US Bicycle Hall of Fame Event to be held on May 26, 2007, which will pass through the Borough. It was recommended that the event coordinator be contacted by Ms. White to advise them of the yield signs on Route 518 which may need to be removed (at their expense) during the event.

Water, Sewer & Environmental Protection – Councilman Banks provided a summary of the February 2007 Utilities Report provided by Superintendent Merk. Suggestion was made by Mr. Merk for consideration to be given for radiology tests to be done on less frequent basis to keep costs down and in light of the continued, favorable readings. Budget needs for the next 3-5 years were also provided by Mr. Merk. Mr. Banks advised that he is awaiting a quote for the tree trimming to be done around the water plant.

Council Representative to Planning Board – Mayor Zimmerman reported on the Planning Board meeting held last week.

Council Representative to Board of Health – Borough Clerk Griffiths reported on information received regarding the Rabies Clinic to be held on April 19, 2007 between 4-6PM at the Rocky Hill Fire House. The clinic is open to State-wide residents.

Zoning Official – No report at this time.

Grants Official – No report at this time.

SPECIAL BUSINESS

Resolution #2007-31 – TEMPORARY EMERGENCY APPROPRIATIONS - Resolution was presented by CFO Bobal requesting authorization for temporary emergency appropriations until the adoption of the 2007 budget. Motion was made by Witt with a second by Banks to approve the resolution as presented. Motion carried on roll call vote – all ayes.

Introduction - ORDINANCE #2, 2007 – “ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK”.

Ordinance as filed in the Borough Clerk's Office was read by title. Borough Auditor Morrison provided an overview of the ordinance which upon adoption allows the Borough to increase the budget to 3.5% over the previous year's final appropriations. Motion to introduce was made by Witt with a second by Banks. Motion carried on roll call vote – all ayes. Public hearing scheduled for April 16, 2007, at 7:30 PM at Borough Hall.

Introduction – Resolution #2007-32 – 2007 ROCKY HILL BOROUGH MUNICIPAL BUDGET

Budget Resolution as filed in the Borough's Clerk was presented. Mayor Zimmerman advised that a new .02 open space tax has been incorporated into the budget (as a result of referendum decision) and the general tax of the Borough has been reduced by that amount. There will be no increase in the 2007 local tax of the Borough provided the Borough is not affected by the recent legislation from the Governor's Office regarding the cap on property tax increases. Borough Auditor Morrison read into record the explanatory statement of the 2007 budget. Motion to introduce was made by Harrington with a second by Witt. Roll call: Banks-aye, Harrington-aye, White-aye, Witt-aye. Motion carried. Public hearing is scheduled for April 16, 2007, at 7:30 PM in the Borough Hall. Copy of said budget will be posted in the Mary Jacobs Library by the Borough Clerk.

COMMUNICATIONS:

Communications as listed on the agenda were disseminated and/or ordered filed.

UNFINISHED BUSINESS:

Incident Command Training – Training was attended and completed by the Mayor, all Council Members, and the Deputy Clerk on February 28, 2007.

NEW BUSINESS:

Request for Use of Borough Hall Grounds – Community Group – Motion was made by Witt with a second by Banks authorizing the use of the Borough Hall Grounds by the Community Group for the following events:

- Spring Egg Hunt – Saturday, April 7th – 11:00 AM
- Earth Day Clean-Up – Saturday, April 28th – 9:30 AM (rain date 5/5/07)
- Independence Day Parade and Picnic – Saturday, June 30th – 4:00 PM.

Motion carried on roll call vote – all ayes.

Scheduling of Spring Clean-Up – The following dates were suggested for spring clean-up:

- May 7th (Monday)
- April 30th (Monday)

Clerk Griffiths will contact Raritan Valley Disposal to confirm the date and report back.

Discussion on Rules for Public Videotaping of Municipal Meetings – Mayor Zimmerman suggested that guidelines be developed for potential public videotaping of Borough meetings. Discussion ensued as to restrictions that may be imposed, i.e. noise control, number of individuals videotaping, etc. Attorney Cruz advised that a model ordinance is in the process of being developed by his firm. Request was made of Council to provide recommendations pertaining to this issue to the Mayor. Attorney Cruz will provide a copy of the model ordinance for further discussion.

PUBLIC COMMENT

Peggy Merritt, resident, was provided with clarification as to public videotaping vs. in-house video taping.

Peg Harris, resident – In regard to the US Bike Hall of Fame event, Ms. Harris advised that it was learned last year that costs would be incurred by the Borough to take down the signs. She suggested that the event organizers be responsible for removing and replacing the signs. In response to Ms. Harris' inquiry regarding the Classic Bike Race to be held, she was advised that this matter will be discussed at the next Borough Council meeting. Clarification was provided as to the recent request from T-Mobile for the extension of their lease agreement (outcome of which is still pending). Ms. Harris was provided with an update by Attorney Cruz on the recent Court hearing pertaining to the Rocky Hill Citizens for Responsible Growth v. Borough of Rocky Hill litigation.

Hearing no further comments/questions, the floor was closed.

EXECUTIVE SESSION – (8:23 PM)

Resolution #2007-33 to Retire into Executive Session for the purpose of discussion of:

- Attorney-Client Privilege – Council Personnel
- Contract Negotiations – Police Services
- Litigation – Rocky Hill Citizens for Responsible Growth v. Borough of Rocky Hill

Resolution was read into the record by the Borough Clerk. Motion to approve the resolution was made by Witt with a second by Harrington. Motion carried on roll call vote – all ayes.

RESULTS OF CLOSED SESSION (if any):

10:15 PM - Results not available for release to the public at this time.

ADJOURNMENT:

Motion to adjourn the meeting at 10:15 PM was made by Witt with a second by Banks. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk